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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,440	12/16/2003	Masaru Kimura	9333/364	8267
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ALPINE/BHGL			GOMA, TAWFIK A	
P.O. Box 10395			ART UNIT	
Chicago, IL 60610			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/738,440

Applicant(s)

KIMURA, MASARU

Examiner

Tawfik Goma

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-17, 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawabe (US 6687211).

Regarding claim 1, Sawabe discloses a method for playing back audio signals recorded on a disc (abstract), comprising the acts of: providing a disc player (fig. 6); providing a disc (abstract); determining a player channel format of audio signals outputted from the disc player (col. 45 lines 41-50 and col. 47, Table 2); reviewing the disc to identify content compatible with the player channel format of the disc player (col. 48 lines 44-59); and prohibiting playback of content incompatible with the player channel format (col. 48 lines 60-65).

Regarding claim 2, Sawabe further discloses wherein content incompatible with the player channel format is content on the disc stored in a format other than the player channel

format and is not downmixable (col. 48 lines 60-65 and col. 30 lines 38-41). Sawabe discloses that apparatus may not have the capability for the reproduction, and also discloses wherein the information for reproduction may include a down-mix coefficient, which therefore means that the content that is not reproducible would not have the down-mix coefficient and is not downmixable.

Regarding claim 3, Sawabe discloses the acts of: reading navigation data recorded on the disc; extracting groups from the disc; identifying groups with content compatible with the player channel format of the disc player; and playing back the groups with content compatible with the player channel format of the disc player (col. 36 lines 37-51).

Regarding claim 4, Sawabe further disclose reading navigation data recorded on the disc; extracting audio titles from the disc; identifying audio titles compatible with the player channel format of the disc player; and playing back the audio titles compatible with the player channel format of the disc player (col. 36 lines 57-67 through col. 37 lines 1-12).

Regarding claim 5, Sawabe fruther discloses the acts of: reading navigation data recorded on the disc; extracting groups from the content of the disc; identifying groups that will provide audio signals compatible with the player channel format of the disc player; playing back the groups that will provide audio signals compatible with the player channel format of the disc player (col. 36 lines 37-51); and repeating playback of the groups in group number sequence (col. 37 lines 29-39).

Regarding claim 7, Sawabe further discloses wherein the content on the disc includes music data (col. 1 lines 11-16).

Regarding claim 8, Sawabe discloses a method for playing back audio signals recorded on a disc, comprising the acts of: providing a disc player (fig. 6); providing a disc (abstract); detecting a disc player audio output channel type (col. 45 lines 41-50 and col. 47, Table 2); retrieving audio manager data from the disc (202, fig. 8); acquiring audio title set information from the disc (211, 212, fig. 8); placing audio title set information in a table if the content of the audio title set is compatible with the disc player audio output channel type (col. 23 lines 27-45); and playing back audio signals corresponding to the audio title set information in the table (col. 24 lines 66-67 through col. 25 lines 1-3).

Regarding claim 9, Sawabe discloses wherein the audio title set information comprises an ATS number, ATSI address and a group number of the first audio title (fig. 9a).

Regarding claim 10, Sawabe further discloses storing audio title information including PBC block content in the table (fig. 9a); storing audio title information including downmixable content in the table (fig. 9a and col. 30 lines 38-41); and storing audio title information including content that has the same channel type as the disc player channel type in the table (fig. 9b);

Regarding claim 11, Sawabe discloses an audio signal disc playback apparatus for playing back audio signals recorded on a disc (fig. 6), comprising: a disc player operable to output audio signals from content stored on a disc (fig. 14); a channel setting section operable to set a channel format of the audio signals outputted from the disc player (124a, fig. 16 and col. 45 lines 41-50 and col. 47, Table 2); and a playback control section operable to determine whether content is recorded on the disc is in a channel format other than the set channel format

(col. 48 lines 44-59), and to prohibit content that is incompatible with the set channel format from being played back (col. 48 lines 60-65).

Regarding claim 12, Sawabe further discloses wherein incompatible content is content is recorded in a channel format other than the set channel format and is not downmixable (col. 48 lines 60-65 and col. 30 lines 38-41). Sawabe discloses that apparatus may not have the capability for the reproduction, and also discloses wherein the information for reproduction may include a down-mix coefficient, which therefore means that the content that is not reproducible would not have the down-mix coefficient and is not downmixable.

Regarding claim 13, Sawabe further discloses wherein compatible content is content that is in the set channel format, is downmixable (col. 26 lines 36-43), or is a PGC block.

Regarding claim 14, Sawabe further discloses wherein the playback control section is operable to read navigation data recorded on the disc before the disc is played back in order to extract groups in the content, determine whether the groups satisfy a playback condition, and register the groups that satisfy the playback condition (col. 36 lines 37-51).

Regarding claim 15, Sawabe further discloses a management section operable to register the groups that satisfy the playback condition (col. 37 lines 3-12); and a playback section operable to play back the groups in group number sequence (col. 37 lines 29-39).

Regarding claim 16, Sawabe further discloses a management section operable to register the audio titles that satisfy the playback condition are registered and managed; and a playback section operable to play the audio titles (col. 36 lines 57-67 through col. 37 lines 1-12).

Regarding claim 17, Sawabe further discloses a management section operable to register groups that satisfy the playback condition (Col. 36 lines 37-51); and a playback section

operable to perform a playback repeat operation for repeating the playback of the groups in group number sequence (col. 37 lines 29-39).

Regarding claim 20, Sawabe further discloses wherein the playback control section reads is operable to navigation data recorded on a disc before the disc is played back in order to extract groups in the content (fig. 6), to determine whether the groups satisfy a playback condition, and register the groups that satisfies the playback condition (figs. 9a, 9b and col. 37 lines 3-12).

Regarding claim 23, Sawabe further discloses wherein the content on the disc includes music data (col. 1 lines 11-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 18, 19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Sawabe US 6687211) in view of Akayama (US 5115419).

Regarding claim 6, Sawabe fails to disclose providing a second disc; and playing back content on the second disc after playback of a previous disc is complete. In the same field of endeavor, Akiyama discloses providing multiple discs, and playing back content on a second disc once a first disc is played back (col. 1 lines 7-12). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide for multiple discs such that a second disc is played back when a previous disc is complete as in Akiyama. The

rationale is as follows: One of ordinary skill in the art would have provided a second disc and the capability of playing back the second disc when the first is completed in order to provide the user the ability to play more content using the same disc playing device.

Regarding claim 18, Sawabe fails to disclose a disc selecting section operable to select a disc from a plurality of discs. In the same field of endeavor, Akiyama discloses providing multiple discs, and a disc selection section for selecting among the multiple discs (col. 8 lines 18-23). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide for multiple discs such that a selection can be made among the multiple discs for playback. The rationale is as follows: One of ordinary skill in the art would have provided a second disc and the capability selecting among the multiple discs in order to provide the user the ability to play more content using the same disc playing device.

Regarding claim 19, Sawabe further discloses wherein when the content is recorded only in a channel format that is incompatible with the set channel format, the playback control section determines that the content does not satisfy a playback condition (col. 48 lines 50-59). Sawabe fails to disclose wherein the player selects the next disc when this occurs. In the same field of endeavor, Akiyama discloses continuously playing multiple discs in a player capable of playing a plurality of discs (col. 1 lines 7-12).). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide for multiple discs such that a second disc is played back when the previous disc is incompatible. The rationale is as follows: One of ordinary skill in the art would have provided a second disc and the capability of playing back the second disc when a previous disc is compatible in order to provide the user the ability to play more content using the same disc playing device.

Regarding claim 21, Sawabe further discloses a management section operable to register groups that satisfy the playback condition (col. 36 lines 37-51); and a playback section operable to play back the groups in group number sequence (col. 37 lines 29-39). Sawabe fails to disclose a player capable to select and play back a disc from the plurality of discs after the playback of a previous disc is complete. In the same field of endeavor, Akiyama discloses providing multiple discs, and playing back content on a second disc once a first disc is played back (col. 1 lines 7-12). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide for multiple discs such that a second disc is played back when a previous disc is complete as in Akiyama. The rationale is as follows: One of ordinary skill in the art would have provided a second disc and the capability of playing back the second disc when the first is completed in order to provide the user the ability to play more content using the same disc playing device.

Regarding claim 22, Sawabe further discloses a management section operable to register audio titles that satisfy the playback condition; and a playback section operable to for play back the audio titles (col. 36 lines 57-67 through col. 37 lines 1-12). Sawabe fails to disclose a player capable to select and play back a disc from the plurality of discs after the playback of a previous disc is complete. In the same field of endeavor, Akiyama discloses providing multiple discs, and a disc selection section for selecting among the multiple discs (col. 8 lines 18-23). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide for multiple discs such that a selection can be made among the multiple discs for playback. The rationale is as follows: One of ordinary skill in the art would have provided a

second disc and the capability selecting among the multiple discs in order to provide the user the ability to play more content using the same disc playing device.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tawfik Goma/
2/13/2008


THANG V. TRAN
PRIMARY EXAMINER